

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

RODNEY O. MCINTOSH,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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No. 4:16-CV-1103 DDN

**MEMORANDUM AND ORDER**

Before the Court is plaintiff's post-dismissal motion to "recall the mandate." The Court will interpret plaintiff's motion as one for waiver of the filing fee. Plaintiff's motion will be denied.

In his motion for waiver of the filing fee, plaintiff asserts that he was not seeking a lawsuit in this Court, but merely a name change. He therefore believes information was "misconstrued" and "manipulated" into a controversy. Plaintiff states that he does not want to pay "for his own name." Plaintiff believes it is "prejudiced for the Court to set a filing fee for a controversy" he "never acquiesced for." Thus, he asserts that the Court must recall the mandate in order for him to avoid paying for this action.

Title 28 U.S.C. § 1915(b)(1) states, "if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner *shall* be required to pay the full amount of the filing fee." (Emphasis added). Plaintiff filed a lawsuit in federal court. Thus, payment of the full amount of the filing fee is mandatory in this case.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to recall the mandate, interpreted as a motion for waiver of the filing fee [Doc. #16] is **DENIED**.

**IT IS FURTHER ORDERED** that an appeal of the denial of this motion would not be taken in good faith.

Dated this 24th day of April, 2017.

/s/ Jean C. Hamilton  
JEAN C. HAMILTON  
UNITED STATES DISTRICT JUDGE